# LEE LITIGATION GROUP, PLLC

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March 11, 2015

### VIA ECF

The Honorable Roanne L. Mann, U.S.M.J. United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

Re:

Cabrera v. Glenoak Enterprises LLC, et al

Docket No.: 14-cv-5599

Dear Judge Mann,

Pursuant to the Court's instructions, attached please find the final versions of the English and Spanish "Notice of Pendency of Lawsuit Regarding Wages," mailed to collective class members on March 6, 2015.

Respectfully,

/s/ C.K. Lee C.K. Lee, Esq.

UNITED STATES DISTRICT COURT	
EASTERN DISTRICT OF NEW YORK	·
PEDRO CABRERA, on behalf of himself, FLSA Collective	X
Plaintiffs and the Class,	
Plaintiff,	14-CV-5599
-against-	NOTICE OF PENDENCY OF LAWSUIT
GLENOAK ENTERPRISES LLC d/b/a 2000	REGARDING WAGES
HAND CAR WASH, et al.,	
Defendants.	
***************************************	X

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Please read this Notice if you are or were employed as a non-exempt car wash worker (including car washers, car vacuumers, and car driers) by GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH at any time from January 23, 2012 through January 23, 2015 at the "2000 Hand Car Wash" located at 17504 Horace Harding Expressway, Fresh Meadows, NY 11365

PEDRO CABRERA ("Plaintiff"), has sued GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH and ARTHUR STEIN (collectively, "Defendants").

Plaintiff's lawsuit makes federal Fair Labor Standards Act ("FLSA") claims seeking back wages for (1) alleged unpaid overtime compensation; (2) alleged unpaid minimum wages; (3) liquidated damages; and (4) attorneys' fees and costs.

Defendants deny that Plaintiff's claims have merit. The purpose of this Notice is to advise you of the existence of these FLSA claims and of certain rights that you may have with respect to the FLSA claims. The Court has not decided the merits of any claims or any defenses asserted by any party to this lawsuit or whether any party is right or wrong.

#### YOUR LEGAL RIGHTS

You may choose to join the FLSA claims in this lawsuit if you worked for the car wash business "2000 Hand Car Wash" located at 17504 Horace Harding Expressway, Fresh Meadows, NY 11365 as a non-exempt car wash worker (including car washers, car vacuumers, and car driers) at any time from January 23, 2012 through January 23, 2015, and if you believe that you may be able to assert any of the claims described above.

It is your right to join or not to join the FLSA claims in this lawsuit. If you decide to join, it is illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

<sup>&</sup>lt;sup>1</sup> The lawsuit also includes a separate class action claim under the New York State Labor Law ("NYLL"). This Notice applies only to the FLSA claim, not to the separate class action claim brought under the NYLL.

If you participate in this lawsuit's FLSA claims, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit's FLSA claims, whether it is favorable or unfavorable to you.

To join this lawsuit, you must sign a "Consent to Sue" form, which is enclosed with this Notice and send it on or before May 5, 2015 to:

Clerk of the Court United States District Court, Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

If you do not wish to be part of the FLSA claims in this lawsuit, you do not need to do anything at this time. Simply ignore the enclosed "Consent to Sue" form and **do not** complete the form or return it to the Court. If you do not join the FLSA claims in this lawsuit, you will not be part of the lawsuit in any way and will not be bound or affected by the result of the lawsuit (whether favorable or unfavorable). If you decide not to join the FLSA claims in this lawsuit, you retain your right to bring a similar lawsuit on your own at a future time. However, you should be aware that such a lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation.

### THE LAWYERS REPRESENTING PLAINTIFF

Plaintiff in this lawsuit is represented by Lee Litigation Group, PLLC. The firm is handling this lawsuit on a "contingency fee" basis, which means that, if you choose to join the FLSA claims in this lawsuit, you do not have to pay any attorneys' fees or expenses. If Plaintiff wins a favorable judgment, Lee Litigation Group, PLLC, may ask the Court to award it up to one third of the monetary recovery. You are not required to have Lee Litigation Group, PLLC, represent you. If you want your own attorney to represent you in this lawsuit, however, you will be responsible for paying that attorney's fees and expenses.

### **GETTING MORE INFORMATION**

You can obtain more information about this lawsuit by contacting C.K. Lee, Esq.:

C.K. Lee, Esq. Lee Litigation Group, PLLC 30 East 39th Street, Second Floor New York, NY 10016 Tel.: 212-465-1180

Fax: 212-465-1181

Do not call or write the Court or the Clerk's Office with questions.

Dated: New York, New York March 6, 2015 TRIBUNAL DEL DISTRITO DE LOS ESTADOS UNIDOS DISTRITO ESTE DE NUEVA YORK

PEDRO CABRERA,

on behalf of himself, FLSA Collective Plaintiffs and the Class.

Demandante,

-contra-

GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH, et al.

Demandados.

14-CV-5599

AVISO DE PENDENCIA DE DEMANDA CON RESPECTO A SALARIOS

Por favor, lea este Aviso si usted está o estuvo empleado como un empleado de lava automóviles no-exento (incluyendo los lavadores de automóviles, aspiradores de automóviles, y secadores de automóviles) por GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH, en cualquier momento entre el 23 de enero de 2012 hasta el 23 de enero de 2015, en el "2000 Hand Car Wash", ubicado en 17504 Horace Harding Expressway, Fresh Meadows, NY 11365.

PEDRO CABRERA (en adelante, "Demandante") ha demandado a GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH y ARTHUR STEIN (en adelante, "Demandados").

La Demanda del Demandante hace reclamos federales de las Normas Razonables de Trabajo ("FLSA") buscando salarios atrasados por (1) supestamente horas extras no pagadas; (2) supuestamente salarios minimos no pagados; (3) daños y perjuicios; y (4) honorarios y costos de abogados.

Los Demandados niegan que los reclamos del Demandante tienen mérito. El propósito de esta notificación es informarle de la existencia de los reclamos del FLSA y de ciertos derechos que puedas tener con respecto a la reclamación del FLSA. El Tribunal no ha decidido los meritos de cualquier reclamo o defensas alegadas por las partes en esta demanda o si cualquiera de las partes está bien o mal.

#### SUS DERECHOS LEGALES

Usted puede unirse a los reclamos del FLSA de eesta demanda si usted trabajó para el negocio de lava carros "2000 Hand Car Wash", ubicado en 17504 Horace Harding Expressway, Fresh Meadows, NY 11365, como un empleado no-exento (incluyendo los lavadores de automóviles, aspiradores de automóviles, y secadores de automóviles) en cualquier momento desde el 23 de enero de 2013 hasta el 15 de enero de 2015, y si usted cree que usted puede ser capaz de hacer valer cualquiera de los reclamos descritos anteriormente.

Es su derecho unirse o no a esta demanda. Si usted decide unirse a esta demanda, es ilegal que los Demandados tomen represalias, descarga, toman cualquier acción adversa, o discriminen contra usted de cualquier manera por participar en esta demanda.

Si usted participa en los reclamos del FLSA de esta demanda, se le requerirá proporcionar información y responder preguntas, y usted puede ser requerido que testifique en una deposición y en corte y producir documentos.

<sup>&</sup>lt;sup>1</sup> Esta demanda también incluye reclamos de acción de clase en virtud de la Ley Laboral del Estado de Nueva York ("NYLL"). Este aviso se aplica sólo al reclamo del FLSA, no a la demanda colectiva presentada bajo la NYLL.

También estará obligado por el resultado de los reclamos del FLSA de esta demanda, asi sea favorable o desfavorable para usted.

Para unirse a esta demanda, debe firmar la forma "Consentimiento para Demandar", que se adjunta esta Notificación, y enviarlo a más tardar May 5, 2015 a:

Clerk of the Court United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, NY 11201

Si usted no desea ser parte de las reclamaciones del FLSA en esta demanda, usted no necesita hacer nada en este momento. Simplemente ignorar el formulario "Consentimiento para Demandar" encerrado aqui y no complete el formulario y no lo devuelvas a la Corte. Si no se inscribe en las reclamaciones del FLSA en esta demanda, usted no será parte de la demanda de cualquier manera y no será obligado o afectado por el resultado de la demanda (ya sea favorable o desfavorable). Si usted decide no unirse a las reclamaciones del FLSA en esta demanda, usted conserva su derecho de presentar una demanda similar por su cuenta en un momento futuro. Sin embargo, debe ser consciente de que una demanda de este tipo debe ser interpuesta dentro de un período específico de tiempo. En general, la ley de limitaciones bajo el FLSA es de dos o tres años a partir de la fecha de la violación.

## LOS ABOGADOS QUE REPRESENTAN EL DEMANDANTE

Los Demandantes en este caso estan representado por Lee Litigation Group, PLLC. La firma está manejando la demanda sobre la base de "honorarios de contingencia", lo que significa que usted no tiene que pagar los honorarios o gastos de los abogados en esta demanda. Si el Demandante gana un juico favorable, Lee Litigation Group, PLLC puede solicitar que el Tribunal le concede la tercera parte de la recuperación monetaria. Usted no está obligado a tener a Lee Litigation Group, PLLC como su representantes. Si usted quiere, su propio abogado lo puede representar en este caso, sin embargo, usted será responsable del pago de los honorarios y gastos de ese abogado.

#### CÓMO OBTENER MÁS INFORMACIÓN

Puede obtener más información sobre esta demanda contactando a C. K. Lee, Esq:

C. K. Lee, Esq. Lee Litigation Group, PLLC 30 East 39<sup>th</sup> Street, Second Floor New York, NY 10016 212-465-1180 (tel) 212-465-1181 (fax)

No llame o escriba a la Corte o la Oficina del Secretario del Tribunal con preguntas.

Fechado: Nueva York, Nueva York, March 6, 2015

# "CONSENT TO SUE" FORM

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
PEDRO CABRERA, on behalf of himself, FLSA Collective Plaintiffs and the Class, Plaintiff,	X 14-CV-5599
-against- GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH, et al., Defendants.	
vacuumers, and car driers) by GLENOAK EN any time from January 23, 2012 through Janu 17504 Horace Harding Expressway, Fresh Me claims portion of this lawsuit, complete and me Clerk of the Court	rt, Eastern District of New York  1  on of this lawsuit as a party plaintiff.
	ntion Group, PLLC. I agree and designate Plaintiff secute any settlement agreement on behalf of myself
☐ I choose to retain separate counsel to re	present me
☐ I choose to represent myself	
Name:	
Address:	
	te: ZIP:
Telephone Number:	
E-mail Address:	
SIGNATURE:	

# FORMULARIO DE "CONSENTIMIENTO PARA DEMANDAR"

TRIBUNAL DEL DISTRITO DE LOS ESTADOS UN DISTRITO ESTE DE NUEVA YORK	
PEDRO CABRERA, on behalf of himself, FLSA Collective Plaintiffs and the Class,	X
Demandante,	
-contra-	14-CV-5599
GLENOAK ENTERPRISES LLC d/b/a 2000 HAND CAR WASH, et al.,	
Demandados.	X
de 2012 hasta el 23 de enero de 2015, en el "20	FLSA de esta demanda como demandante. rque la casilla correspondiente) como mi agente para
☐ Elijo ser representado por Lee Litigation Gro	oup, PLLC. Estoy de acuerdo y designo a el demandante y su nalquier acuerdo en mi nombre y en el colectivo del FLSA.
□ Elijo contratar a un abogado separado para o	que me represente.
□ Elijo representarme a mí mismo.	
Nombre:	
Dirección:	
Ciudad: Esta	
Número Telefónico:	
Correo Electrónico:	
FIRMA:	Fecha: